

**THE PATENT OFFICE OF THE STATE INTELLECTUAL PROPERTY OFFICE
OF THE PEOPLE'S REPUBLIC OF CHINA**

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Shanghai Patent & Trademark Law Office

Date of Dispatch
July 11, 2003

Application No.: 01111997.7	Applicant: MURATA MANUFACTURING CO., LTD.
Application Date: March 30, 2001	Agent:
Title: METHOD FOR ADJUSTING FREQUENCY OF ELECTRONIC COMPONENT	

NOTICE ON OFFICE ACTION

1. ☒ According to the Request for Substantive Examination raised by the applicant and based on the provision of Item 1, Article 35 of the Patent Law, the Examiner has proceeded with the Examination as to Substance on the above mentioned application for patent for invention.
- ☐ According to Item 2, Article 35 of the Chinese Patent Law, the Patent Office has decided to examine the above application for patent for invention.
2. ☒ The applicant has requested that the filling date of
March 31, 2000 at the JP Patent Office as the priority date,
_____ at the _____ Patent Office as the priority date,
_____ at the _____ Patent Office as the priority date,
_____ at the _____ Patent Office as the priority date,
- ☒ The applicant has already submitted the copy of the first filed prior application document certified by the receiving office of the country where the application was originally filed.
- ☐ The applicant has not submitted the copy of the first filed prior application document certified by the receiving office of the country where the application was originally filed. It is deemed not having claimed priority according to the provision stipulated in Article 30 of the Patent Law.
- ☐ This application is a PCT application.
3. ☐ The applicant submitted on _____ and _____ the amendment documents.
- On examination, among them,
the _____ submitted on _____ can not be accepted.
the _____ submitted on _____ can not be accepted.
- Because the above amendment
- ☐ does not conform with the provisions of Article 33 of the Chinese Patent Law,
- ☐ does not conform with the provisions of Rule 51 of the Implementing Regulations of the Chinese Patent Law,
- Refer to the text of the Notice for the specific reasons why the amendment cannot be accepted

4. ☒ The examination has been proceeded on the original application documents.
☐ The examination is directed at the following application documents:
 Claim _____, page _____ of the specification, page _____ of the drawing of the original application documents submitted on the date of filing.
 Claim _____, page _____ of the specification, page _____ of the drawing submitted on _____.
 Claim _____, page _____ of the specification, page _____ of the drawing submitted on _____.
 Claim _____, page _____ of the specification, page _____ of the drawing submitted on _____.
 Abstract of the specification submitted on _____, the drawing of the Abstract submitted on _____.

5. ☐ This Notice is made under the condition of no search having been conducted.
☒ This Notice is made under the condition of search having been conducted.
☒ This Notice has cited the below comparison documents (the number of which shall continue to be used in the subsequent examination procedures):

No.	Title of Document	Date of Publication (or the filing date of the conflicting Application)
1	US5662782A	Sep 2, 1997
2	JP 平 4-196707A	July 16, 1992
3		
4		

6. The conclusive opinion drawn from the examination:

☒ **As regards the Specification:**

- ☐ The contents of the application fall under the scope stipulated by Article 5 of the Patent Law for which no patent right shall be granted.
☐ The specification does not conform with the provision of Item 3, Article 26 of the Patent Law.
☒ The drafting of the specification does not conform with the provision of Rule 18 of the Implementing Regulations.

☒ **As regards the Claims:**

- ☒ Claim 1, 4, 8, 11 does not possess the novelty as stipulated in Item 2, Article 22 of the Patent Law.
☒ Claim 9, 12 does not possess the inventiveness as stipulated in Item 3, Article 22 of the Patent Law.
☐ Claim _____ does not possess the practical applicability as stipulated in Item 4, Article 22 of the Patent Law.
☐ Claim _____ falls under the scope of Article 25 of the Patent Law where no patent right is to be granted.
☐ Claim _____ does not conform with the provision of Item 4, Article 26 of the Patent Law.
☐ Claim _____ does not conform with the provision of Item 1, Article 31 of the Patent Law.
☐ Claim _____ does not conform with the definition of invention as stipulated in Item 1, Article 2 of the Implementing Regulations of the Patent Law.
☐ Claim _____ does not conform with the provision of Item 1, Rule 13 of the Implementing Regulations of the Patent Law.
☒ Claim 4, 7, 13-17, 19 does not conform with the provisions of Rules 20 to 23 of the Implementing Regulations of the Patent Law.

Refer to the text of this Notice for the specific analyses of the conclusive opinion.

7. Based on the above conclusive opinion, the Examiner deems that:
- ☐ The applicant shall amend the application documents in accordance with the requirements raised in the text of the Notice.
 - ☒ The applicant shall discuss in his observations reasons why this application for patent can be granted a patent right, and amend the portions indicated in the text of the Notice which have been deemed as not conforming with the provisions, or no patent right shall be granted.
 - ☐ There are no substantive contents in the application for patent that can be granted a patent right. If the applicant does not present reasons or the reasons presented are not sufficient, the application shall be rejected.
8. The applicant is asked to note the following items:
- (1) According to the provision of Article 37 of the Patent Law, the applicant shall submit his observations within **four months** from the receipt of this Notice. Where, without justified reasons, the applicant does not respond at the expiration of said date, the application shall be deemed to have been withdrawn
 - (2) The applicant shall amend his application according to Article 33 of the Patent Law. The amended documents shall be in duplicate, and the form, in conformity with the relevant provisions in the Examination Guide.
 - (3) The applicant and/or his agent can not, without first making an appointment, go to the Patent Office to have an interview with the Examiner.
 - (4) The observations and/or the amended documents shall be mailed or delivered to Department of Receipt, the Patent Office of the State Intellectual Property Office. No documents shall possess legal effects if not mailed or delivered to Department of Receipt.
9. The text portion of this Notice totals 3 page(s), and includes the following attachment(s):
- ☒ duplicate copy(ies) of cited comparison document(s), altogether 2 copy(ies) 8 pages.
 - ☐

Examination Department: _____ Examiner(Seal): _____

2201 2001.7

P1719

TEXT OF THE FIRST OFFICE ACTION

The present application relates to a method for adjusting the frequency of an electronic component device. After examining, the office action is as follows:

1. Claim 1 asks to protect a method for adjusting the frequency of an electronic component device, the method comprising the steps of: providing an electronic component device having an electrode disposed on a surface thereof; etching the electrode disposed on the surface of the electronic component device by irradiating an ion beam on the electrode; wherein the ion beam irradiation is performed while moving at least one of the electronic component device and the ion beam in at least one direction along the surface of the electronic component device on which the electrode is disposed. Comparison Document 1 has disclosed an apparatus and method for regulating the frequencies of the piezoelectric resonance element, in which the following contents have been disclosed in line 30 of column 7 to line 60 of column 8 and Figs 1-3: an electrode is provided on the piezoelectric resonance element and the electrode provided on the surface of the piezoelectric element is etched by irradiating the ion beam on the electrode; the ion gun is moved to regulate the distance between the ion beam and the piezoelectric element and perform the radiation of the ion beam. Thus, Comparison Document 1 has disclosed all the technical features of Claim 1. The technical solution disclosed in Comparison Document 1 belongs to the same technical field as that of Claim 1. The two technical solutions are the same and can get identical technical effects. Therefore, the technical solution of Claim 1 does not have the Novelty of Item 2, Article 22 of the Patent Law.

2. Since Claim 1 lacks Novelty, there is no identical or corresponding special technical feature among Claims 2-9 and 11-12, not conforming to the provision of Article 31 on Unity.

3. Claim 4 refers to Claim 1. However, Comparison Document 1 has also disclosed the additional technical feature of Claim 4 (See line 30 in column 7 to line 60 in column 8 and Figs 1-3). Therefore, when Claim 1 lacks Novelty, the technical solution of Claim 4 does not have the Novelty of Item 2, Article 22 of the Patent Law.

4. Claim 8 refers to Claim 1, but its additional technical feature has also been disclosed in Comparison Document 1 (See line 30 in column 7 to line 60 in column 8 and Figs 1-3). Therefore, when the technical solution of Claim 1 lacks Novelty, the technical solution of Claim 8 does not have the Novelty of Item 2, Article 22 of the Patent Law either.

5. Claim 9 refers to Claim 1. However, no unforeseeable technical effect has been obtained by applying the method for regulating the frequency that has no Novelty to the well-known surface acoustic wave device. Therefore, when the technical solution of Claim 1 lacks Novelty, the technical solution of Claim 9 does not have prominent substantive features, not having the Inventiveness of Item 3, Article 22 of the Patent Law.

6. Claim 11 refers to Claim 1, but its additional technical feature has also been disclosed in Comparison Document 1 (See line 30 in column 7 to line 60 in column 8 and Figs 1-3). Therefore, when the technical solution of Claim 1 lacks Novelty, the technical solution of Claim 11 does not have the Novelty of Item 2, Article 22 of the Patent Law either.

7. Claim 12 refers to Claim 1. However, Comparison Document 2 has disclosed a method for adjusting the frequency of a piezoelectric element and the whole Description has disclosed the following contents: A method is provided for changing the directions of the ion beam with magnetic fields and electrical fields to allow only neutral particle to collide with the electrode of the piezoelectric element. Thus, Comparison Document 2 has disclosed the additional technical feature of Claim 12. The technical solutions disclosed in Comparison Documents 1 and 2 belong to the same technical field as that of Claim 12. It will require no inventive work to add the contents disclosed in Comparison Document 2 into the method of Claim 1. Therefore, when the technical solution of Claim 1 lacks Novelty, the technical solution of Claim 12 does not have prominent substantive features, not having the Inventiveness of Item 3, Article 22 of the Patent Law.

8. Claim 13 asks to protect a method for adjusting the frequency of an electronic component device. However, in fact, the claim includes two

coordinating independent technical solutions. One lies in the protection range of Claim 6 and the other one lies in that of Claim 7. Therefore, Claims 13, 6 and 7 do not conform to the provision of Item 1, Rule 20 of the Implementing Regulations of the Patent Law on conciseness.



9. Claim 13 defines "...along a length dimension and a width dimension of the surface of the electronic component device on which the electrode is disposed". Therefore, the "in at least one direction" in Claim 14, the "along the length dimension and the width dimension" in Claims 15 and 16, the "along a direction other than the length dimension and the width dimension" in Claim 17 do not further define Claim 13. The above claims can not refer to Claim 13, so Claims 14-17 do not conform to the provision of Item 3, Rule 21 of the Implementing Regulations of the Patent Law.

10. The applicant should modify the Summary of Invention according to the amended claims, i.e., add the contents of the claims into Summary of the Invention so that the claims can support the Description in the form.

11. There exists expressions, such as "...set forth in the claims" in the last paragraph of the Description, not conforming to the provision of Item 3, Rule 18 of the Implementing Regulations of the Patent Law.

Because of the above-mentioned reasons, this application can not be granted a patent right. The applicant shall amend the existing application documents according to the aforesaid examination observations, and submit the amended application documents within the time limit specified in this Notice. Otherwise, the application will be rejected.

中华人民共和国国家知识产权局

邮政编码: 200233 上海市桂平路 435 号 上海专利商标事务所 孙敬国		 审查员签章	
申请号	01111997.7	部门及通知书类型	9-C
申请人	株式会社村田制作所		
发明名称	电子部件的频率调节方法		

第一次审查意见通知书

1. ☒ 依申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 审查员对上述发明专利申请进行实质审查。
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。
2. ☒ 申请人要求以其在:

_____ 日本 _____ 专利局的申请日 2000 年 3 月 31 日为优先权日,
 _____ 专利局的申请日 _____ 年 _____ 月 _____ 日为优先权日,
 _____ 专利局的申请日 _____ 年 _____ 月 _____ 日为优先权日,
 _____ 专利局的申请日 _____ 年 _____ 月 _____ 日为优先权日,
 _____ 专利局的申请日 _____ 年 _____ 月 _____ 日为优先权日。

☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。
☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第 30 条的规定视为未提出优先权要求。
3. ☐ 申请人于 _____ 年 _____ 月 _____ 日和 _____ 年 _____ 月 _____ 日提交了修改文件。
 经审查, 其中: _____ 年 _____ 月 _____ 日提交的 _____ 不能被接受;
 _____ 年 _____ 月 _____ 日提交的 _____ 不能被接受;
 因为上述修改 ☐ 不符合专利法第 33 条的规定。 ☐ 不符合实施细则第 51 条的规定。
 修改不能被接受的具体理由见通知书正文部分。
4. ☒ 审查是针对原始申请文件进行的。
☐ 审查是针对下述申请文件的:

申请日提交的原始申请文件的权利要求第 _____ 项、说明书第 _____ 页、附图第 _____ 页;
 _____ 年 _____ 月 _____ 日提交的权利要求第 _____ 项、说明书第 _____ 页、附图第 _____ 页;
 _____ 年 _____ 月 _____ 日提交的权利要求第 _____ 项、说明书第 _____ 页、附图第 _____ 页;
 _____ 年 _____ 月 _____ 日提交的权利要求第 _____ 项、说明书第 _____ 页、附图第 _____ 页;
 _____ 年 _____ 月 _____ 日提交的说明书摘要, _____ 年 _____ 月 _____ 日提交的摘要附图。
5. ☐ 本通知书是在未进行检索的情况下作出的。
☒ 本通知书是在进行了检索的情况下作出的。
☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):

回函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收

2201 2001.7 (注: 凡寄给审查员个人的信函不具有法律效力)

第一次审查意见通知书正文

本申请涉及一种电子部件的频率调节方法，经审查，提出如下审查意见：

权利要求 1 要求保护一种电子部件的频率调节方法，所述方法包括下述步骤：提供将电极设置在其表面上的电子部件；通过将离子束照射在所述电极上来蚀刻放置在所述电子部件表面上的电极；其特征在于：沿着将所述电极设置在其上的所述电子部件表面的至少一个方向，至少移动所述电子部件和所述离子束中的一个，进行所述离子束照射。对比文件 1 公开了一种压电谐振元件的频率调整方法和装置，其中说明书第七栏第三十行至第八栏第六十行及附图 1-3 披露了如下内容：压电谐振元件上有电极，通过将离子束照射在所述电极上来蚀刻放置在所述压电元件表面上的电极；移动离子枪，调整离子束和压电元件之间的距离，进行离子束的照射。由此可见，对比文件 1 披露了权利要求 1 的所有技术特征，对比文件 1 所公开的技术方案与权利要求 1 要求保护的技术方案属于同一技术领域，二者技术方案相同，并能取得相同的技术效果，因而权利要求 1 的技术方案不具备专利法第二十二条第二款规定的新颖性。

由于权利要求 1 不具备新颖性，权利要求 2-9、11-12 之间没有相同的特定技术特征，不符合专利法第三十一条规定的单一性。

权利要求 4 引用了权利要求 1，权利要求 1 中并没有出现“电子设备”这一技术术语，因而权利要求 4 中的“所述电子设备”表述的含义不清楚，权利要求 4 不符合专利法实施细则第二十条第一款有关清楚的规定。即使克服了上述缺陷，由于对比文件 1 也披露了权利要求 4 的附加技术特征（参见对比文件 1 说明书第七栏第三十行至第八栏第六十行及附图 1-3），因而当权利要求 4 引用的权利要求 1 的技术方案不具备新颖性时，权利要求 4 的技术方案也不具备专利法第二十二条第二款规定的新颖性。

权利要求 7 引用了权利要求 1 的方法，而权利要求 1 的主题名称为“电子部件的频率调节方法”，因而权利要求 7 没有正确引用在前权利要求的主题名称，不符合专利法实施细则第二十三条第一款的规定。

权利要求 8 引用了权利要求 1，该权利要求的附加技术特征也被对比文件 1 披露了（参见对比文件 1 说明书第七栏第三十行至第八栏第六十行及附图 1-3），

因而当权利要求 8 引用的权利要求 1 的技术方案不具备新颖性时，权利要求 8 的技术方案也不具备专利法第二十二条第二款规定的新颖性。

权利要求 9 引用了权利要求 1，在一种公知的表面声波设备上采用权利要求 1 中的没有新颖性的频率调节方法，并没有取得意想不到的技术效果，因而当权利要求 9 引用的权利要求 1 的技术方案不具备新颖性时，权利要求 9 的技术方案不具有突出的实质性特点，不具备专利法第二十二条第三款规定的创造性。

权利要求 11 引用了权利要求 1，该权利要求的附加技术特征也被对比文件 1 披露了（参见对比文件 1 说明书第七栏第三十行至第八栏第六十行及附图 1-3），因而当权利要求 11 引用的权利要求 1 的技术方案不具备新颖性时，权利要求 11 的技术方案也不具备专利法第二十二条第二款规定的新颖性。

权利要求 12 引用了权利要求 1，对比文件 2 公开了一种压电部件的频率调节方法，其中说明书全文披露了如下内容：提供用磁场和电场改变离子束的方向使得只允许中性粒子与压电部件的电极撞击的方法。由此可见，对比文件 2 披露了权利要求 12 的附加技术特征，对比文件 2 所公开的技术方案与对比文件 1 所公开的技术方案及权利要求 12 要求保护的技术方案属于同一技术领域，将对比文件 2 所公开的内容增加到权利要求 1 的方法中，并不需要付出创造性的劳动，因而当权利要求 12 引用的权利要求 1 的技术方案不具备新颖性时，权利要求 12 的技术方案不具有突出的实质性特点，不具备专利法第二十二条第三款规定的创造性。

权利要求 13 要求保护一种电子部件的频率调节方法，该权利要求实质上包含了两个并列的独立的技术方案，其中一个技术方案的保护范围落在权利要求 6 的保护范围内，另一个技术方案的保护范围落在权利要求 7 的保护范围内，因而权利要求 13 与权利要求 6 和 7 之间不符合专利法实施细则第二十条第一款有关简明的规定。

由于权利要求 13 定义了“沿着将所述电极设置在其上的所述电子部件表面的长度尺寸方向或宽度尺寸方向，……，进行所述离子束照射”，因而权利要求 14 中的“至少一个方向”、权利要求 15 和 16 中的“长度尺寸和宽度尺寸方向”、权利要求 17 中的“长度尺寸和宽度尺寸之外的一个方向”、权利要求 19 中的“沿着电极延伸方向”都不是对权利要求 13 的进一步限定，上述权利要求不能引用

权利要求 13，因而权利要求 14-17、19 不符合专利法实施细则第二十一条第三款的规定。

权利要求 17 引用了权利要求 13，该权利要求中的“长度尺寸与宽度之外”应该是“长度尺寸与宽度尺寸之外”，因而权利要求 17 不符合专利法实施细则第二十条第一款有关清楚的规定。

申请人应相对于修改后的权利要求书对说明书的发明内容部分做适应性修改，即将权利要求书补充到说明书的发明内容部分，以使权利要求书在形式上也得到说明书的支持。

说明书各部分之前没有相应的标题，不符合专利法实施细则第十八条第二款的规定。

说明书的最后出现了类似“如权利要求……所述的”的表述方式，不符合专利法实施细则第十八条第三款的规定。

基于上述理由，本申请目前的文本不能被授予专利权，如果申请人不能够在指定的期限内陈述意见或克服上述指出的缺陷，本申请将被驳回。